

**House File 522 - Introduced**

HOUSE FILE 522

BY SHIPLEY

**A BILL FOR**

1 An Act relating to circumstances necessary prior to deployment  
2 of state military units in active combat or hazardous  
3 service related to conflict in a foreign state.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29A.53, Code 2023, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 4. Notwithstanding any other provision of  
4 the Code, the national guard, the air national guard, and the  
5 civil air patrol shall not be released from this state into  
6 active combat or into hazardous service relating to an armed  
7 conflict in a foreign state pursuant to Article I, section 8,  
8 clause 15, of the United States Constitution, unless the United  
9 States has officially declared war for the express purpose  
10 of repelling an invasion, suppressing an insurrection, or  
11 executing the laws of the United States.

12 NEW SUBSECTION. 5. This section shall not be construed  
13 to limit the authority of the governor to consent to the  
14 deployment of troops pursuant to Tit. 32 of the United States  
15 Code.

16 Sec. 2. FEDERAL POWERS TO DECLARE WAR — LEGISLATIVE  
17 FINDINGS. The general assembly finds that Article I, section  
18 8, of the Constitution of the United States solely vests  
19 the power to declare war in the United States Congress, and  
20 Congress, by abdicating its war powers to the president, has  
21 failed to follow the Constitution of the United States and the  
22 intent of its creators.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill prohibits the national guard, the air national  
27 guard, and the civil air patrol from being released from this  
28 state into active combat or into hazardous service relating  
29 to an armed conflict in a foreign state unless the United  
30 States has officially declared war for the express purpose  
31 of repelling an invasion, suppressing an insurrection, or  
32 executing the laws of the United States. The bill does  
33 not limit the authority of the governor to consent to the  
34 deployment of troops for defense support of civil authorities.

35 The bill makes legislative findings related to United States

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1 congressional abdication of powers to declare war.